

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEC INTERNATIONAL, INC., a Wisconsin corporation,)
)
) Case No. 08 CV 2250
Plaintiff,)
v.) Judge Manning
)
WESTCHESTER FIRE INSURANCE COMPANY, a New York Company, and) [FILED ELECTRONICALLY]
WESTCHESTER SURPLUS LINES INSURANCE COMPANY, a Georgia company,)
) Hearing Date: May 27, 2008
) Hearing Time: 11:00 a.m.
Defendants.)
)

MOTION TO RESET DATES

COMES NOW Plaintiff DEC International, Inc. (“DEC”), by and through its undersigned counsel, and moves this Honorable Court for issuance and entry of an order resetting the dates for the parties to confer pursuant to Rule 26(f), to file a joint, proposed plan report, and to appear before this court for initial status, all as set forth in the Court’s minute entry of May 8, 2008 (Docket No. 8). In support of this motion (“this Motion”), DEC states as follows:

BACKGROUND

1. On April 21, 2008, DEC commenced this action by the filing of a Complaint against two insurance carriers, Westchester Fire Insurance Company (“Fire”) and Westchester Surplus Lines Insurance Company (“Surplus”). The Complaint seeks, among other relief, declaratory judgment regarding the obligations of Fire and Surplus to defend and indemnify DEC in connection with an action against DEC currently pending

in the Superior Court of the State of California, County of Stanislaus, styled *Ollimac Diary, Inc. v. DEC International, Inc., et al.*, Case No. 375287 (the “Ollimac Action”).

2. On May 9, 2008, DEC received correspondence from Surplus wherein Surplus acknowledged potential coverage for the Ollimac Action under the applicable policy and agreed to provide a defense to DEC, subject to certain reservations of rights stated in such correspondence (the “Reservation of Rights”).

3. DEC is reviewing the Reservation of Rights with its counsel. To the extent that DEC finds the Reservation of Rights to be acceptable pending the outcome of the Ollimac Action, DEC may be in a position to dismiss this case without prejudice. As a result, DEC requests additional time to complete its analysis of the Reservation of Rights and to ensure the satisfactory performance of Surplus under such Reservation of Rights.

RELIEF REQUESTED

4. On May 8, 2008, the Court entered a minute entry directing the parties to confer pursuant to Rule 26(f) and file a joint, proposed plan report no later than May 23, 2008, and to appear before this court for initial status on May 29, 2008 (Docket No. 8).

5. DEC requests that the Court extend each of these dates by approximately thirty (30) days with the possibility that during such additional time DEC will be able to dismiss this case without prejudice.

CONCLUSION

WHEREFORE, DEC International, Inc. respectfully requests that the Court enter an order (a) resetting the dates for the parties to confer pursuant to Rule 26(f), to file a joint, proposed plan report, and to appear before this court for initial status, and (b)

granting such other and further relief to DEC International, Inc. as to which it may be entitled.

Dated this 21st day of May 2008.

Respectfully submitted,

DEC INTERNATIONAL, INC.

By: /s/ Stephen E. Garcia
One of its Attorneys

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